

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LUIS ANDINO,

Plaintiff,

v.

No.9:06-CV-509
(FJS/DEP)

ELLIOT SPITZER, et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

[last known address]

LUIS ANDINO

Plaintiff, pro se

60944

Erie County Correctional Facility

11581 Walden Avenue

Alden, New York 14004

FREDERICK J. SCULLIN, JR., Sr. D. J.:

DECISION AND ORDER

After carefully considering the entire file in this matter, including Magistrate Judge Peebles' May 5, 2009 Report- Recommendation to which the parties have not filed any objections and said Report-Recommendation having been mailed to plaintiff's last known

address, but was returned to the Clerk's office marked "RTS (Return to Sender - unable to forward). Under Local Rule 41.2(b), failure to notify the Court of a change of address as required by Local Rule 10.1(b) may result in dismissal of the action. Therefore, in light of Plaintiff's failure to notify the Court of his change of address, the Court hereby

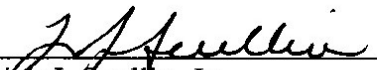
ORDERS that the Report-Recommendation filed by Magistrate Judge David E. Peebles filed on May 5, 2009 is, for the reasons stated therein, **ACCEPTED** in its entirety; and the Court further

ORDERS that this action is **DISMISSED** in its entirety, and the Court further

ORDERS, that the Clerk of the Court shall enter judgment in favor of Defendants and close this case.

IT IS SO ORDERED.

DATED: July 29, 2009
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge